



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: June 24, 2010

ITEM NO.: 2

TIME: 10:15 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: June 3, 2010
SUBJECT: SUBDIVISION MODIFICATION (PSM 20100133)
"TAHOE CITY INDUSTRIAL PARK"
GARAGE SECOND STORY ADDITION - SCHAEFER

GENERAL PLAN: Tahoe City Area

GENERAL/COMMUNITY PLAN DESIGNATION: Plan Area Statement 007 Lake Forest Glen - Residential

ZONING: PAS - 007 Lake Forest Glen Residential

STAFF PLANNER: Stacy Wydra, Senior Planner

LOCATION: The project is located at 410 Cynos Way, Lot 20 of the Tahoe City Industrial Park subdivision, north off North Lake Boulevard, in the Lake Forest area of Tahoe City (APN:093-280-012).

APPLICANT: Eric Schaefer, owner

PROPOSAL: The applicant requests the approval of a Subdivision Modification to the 20 foot front building setback line for light and air purposes shown on Book H, Page 85 of the Tahoe City Industrial Park Subdivision Final Map for the construction of an addition consisting of approximately 658 square feet of living space above the existing two vehicle garage. The addition to the garage is proposed zero feet from the front property line, 20 feet into the recorded 20 foot setback.

CEQA COMPLIANCE: This project is Categorically Exempt from the provisions of CEQA per Section 18.36.050 (Class 3) (E) [New construction or conversion of small structures] of the Placer County Environmental Review Ordinance.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sierra Sun* newspaper. Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District and the North Tahoe Regional Advisory Council (NTRAC) were transmitted copies of the project plans and

application for review and comment. No public comments have been received at the time of completion of this staff report.

PROJECT DESCRIPTION: The applicant is requesting approval of a Subdivision Modification to allow for the construction of an addition consisting of approximately 658 square feet of living space above an existing two car garage zero feet from the front property line. As shown on the Tahoe City Industrial Park Subdivision Map, a 20 foot setback is mapped along the frontage of the parcel. Contained within the 20 foot building setback is a 15 foot wide easement for slope and Public Utilities Easement (PUE), a 20 foot wide easement for light and air to be kept open and free from building, and the required 20 foot front yard setback.

SITE CHARACTERISTICS: The subject parcel is located off of Cynos Way. Cynos Way, a private looped road which is accessed off of State Highway 28/North Lake Boulevard via Villas Road. The Villas at Lake Forest, a 46-unit condominium project, is located to the south of the subject parcel and single-family residences are located to the west and east with single-family residential parcels north of the subject parcel. The 1.5 acre parcel contains a frontage of 90.98 feet along Cynos Way. The parcel was mapped with a 20 foot setback along the frontage of the flag-like shaped 1.5 acre parcel. The project site is currently developed with a 2,184 square foot single-family residence, a 676 square foot two-vehicle garage, and 51 square-feet of deck area. The site contains a continuous steep upwards slope of approximately 25 percent from the road, through the rear of the parcel. The 676 square foot garage is currently located zero feet from the property line, a rock rip-rap retaining wall, approximately 15 feet in height, is located to the west of the garage. The vegetation on the project site consists of ground cover, native trees and shrubs. There is an existing sewer and water joint trench that runs along the east side of the garage and then behind the garage to the residence. There is an existing sewer cleanout located behind the garage. The garage is currently constructed over the mapped setback, slope easement and public utilities easement.

EXISTING LAND USE AND ZONING: The existing land uses and zoning of the project site and surrounding properties are as follows:

	LAND USE	ZONING
SITE	Residential	PAS-007 Lake Forest Glen - Residential
NORTH	Residential	PAS-007 Lake Forest Glen - Residential
SOUTH	Residential	PAS-007 Lake Forest Glen - Residential
EAST	Residential	PAS-007 Lake Forest Glen - Residential
WEST	Residential	PAS-007 Lake Forest Glen - Residential

DISCUSSION OF ISSUES:

General Plan/Zoning Consistency – Subdivision Modification

As set forth in the Tahoe City Industrial Park Subdivision, a 20 foot front yard setback is to be maintained for development on the site. Specifically, the note on the recorded subdivision map states: "Easements for light and air over those strips of land between the front and/or side lines of lots and the lines shown hereon and designated "Set Back Line" said strip to be kept open and free from building." The existing conditions of the project site do not comply with the 20 foot mapped setback in that the existing garage is located zero feet from the property line. However, the garage

was approved in 1980 (Building Permit Number B26201) and it was determined that the garage qualified for an automatic setback under the Zoning Ordinance in effect in June of 1979. Specifically, Section 1726(e) of the 1979 Zoning Ordinance was applied to this particular garage which allowed garages to be built to the street line where the elevation of that portion of the lot within thirty (30) feet of the street line was more than six (6) feet above or below the average elevation at the front property line. It is unknown whether or not the mapped setback and/or public utility easement was considered in this determination.

There are a number of existing garages with living space located above the garages in the front mapped setback of the Tahoe City Industrial Park Subdivision located on Cynos Way. It is believed that the mapped setback considered in the review of the building permits and the construction within the mapped setback was permitted based upon the slope exception included in the Zoning Ordinance.

The proposed project is not consistent with the 20 foot front mapped setback requirements for the subdivision in that the living space is proposed directly above the existing garage utilizing the existing footprint of the garage which is located within the 20 foot mapped setback. Accordingly, the applicant has requested a Subdivision Modification to allow for the living space to be constructed above the existing garage located on the property line and within the 20 foot required mapped setback. While the single-family residential use, specifically the additional living space above the garage, would be consistent with the Tahoe City General Plan in that the use proposed is residential, the Development Review Committee cannot support living space within the 20 foot setback due to public safety concerns related to the operations of snow removal.

Safety Concerns

As a matter of public safety, the Development Review Committee cannot support Variances to allow living space within the front setback in areas where snow removal activities occur. In this instance, the garage exists at a zero foot setback and the edge of pavement of the street is at the same location. The snow stakes exist at the edge of pavement and the snow removal activities have the potential to damage the structural integrity of the garage which is proposed to be modified to include living space above. Further, the existing garage was constructed within an existing 15' Public Utility Easement (PUE). No record has been found, nor provided by the applicant that explains how this encroachment occurred. Should the Planning Commission make a determination to approve this application, the Development Review Committee would recommend that the applicant remedy the encroachment by preferably taking steps to abandon the Public Utility Easement (PUE) (should all public utilities be in agreement with the abandonment of the easement), or otherwise provide letters from the utility companies that have rights within that easement allowing the encroachment. The letters would need to acknowledge the living space proposed within the easement.

Therefore, the Development Review Committee (DRC) cannot recommend support of the requested Subdivision Modification and the decision for denial is supported in the Findings contained within this staff report.

RECOMMENDATION:

The Development Review Committee (DRC) recommends that the Planning Commission **deny** the Subdivision Modification to the Tahoe City Industrial Park Final Map (PSM 20100133) subject to the following findings:

FINDINGS:
CEQA

1. The project has been determined to be categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3) [New construction or conversion of small structures, (CEQA Guidelines, Section 15303)] of the Placer County Environmental Review Ordinance. The proposed living space above the existing garage and request for a reduced setback falls within this category and no environmental impacts are anticipated.

Subdivision Modification

1. Pursuant to Section 66472.1, (*Amending of Final Maps*) of the Subdivision Map Act, Placer County finds that the conditions of the map continue to be appropriate and necessary to address the public safety issue with regards to constructing living space close to snow removal operations that may create a potential safety hazard.
2. The project is not compatible with the intent of the Tahoe City Industrial Park subdivision in that the 20 foot front mapped setback was intended to be an easement for light and air and to be kept open and free from buildings as noted on the subdivision map. Although the garage was constructed within the mapped setback the additional living space above would further prohibit light and air to trespass through the mapped setback above the garage.
3. Granting the Subdivision Modification will be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located in that the living space located at a zero foot setback and within the 20 foot required mapped setback may create a public safety issue with regards to snow removal operations..

Respectfully submitted,



Stacy Wydra
Senior Planner

ATTACHMENTS:

Attachment A - Vicinity Map
Attachment B - Site Plan

cc: Michael Johnson – Agency Director
Paul Thompson – Deputy Planning Director
Loren Clark – Deputy Planning Director
Steve Buelna - Supervising Planner
Stacy Wydra, Senior Planner
Karin Schwab - County Counsel's Office
Sharon Boswell - Engineering and Surveying Division
Jill Pahl- Environmental Health Services
Yu-Shuo Chang – Air Pollution Control District
Andy Fisher - Parks Department
Eric Schaefer – Owner/Applicant
Subject/chrono files

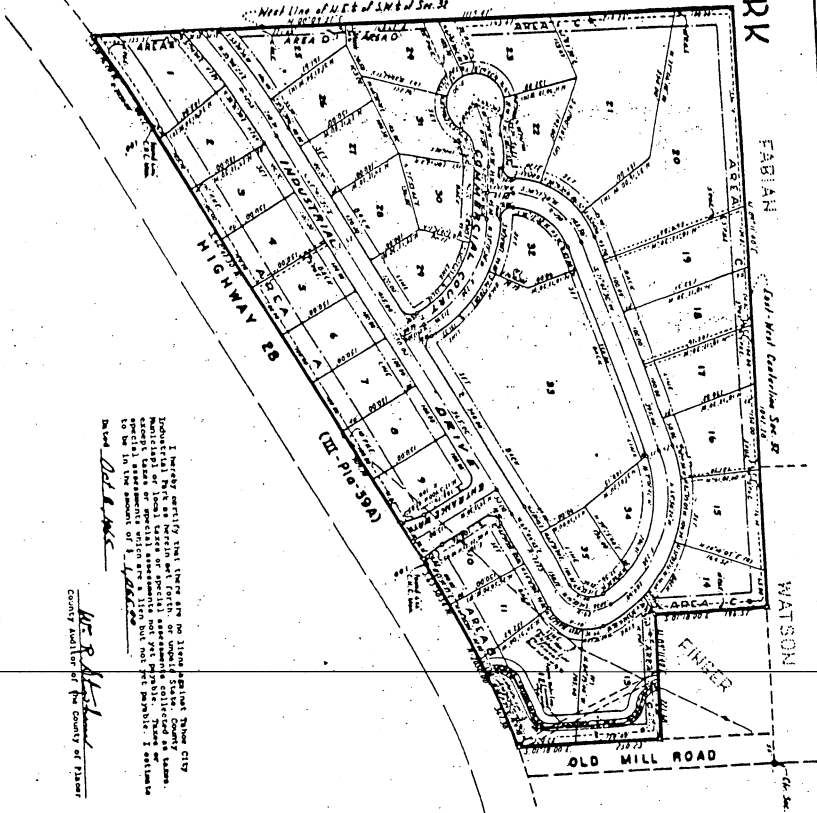
PLAN OF
TANOE CITY INDUSTRIAL PARK
 A PORTION OF NE 1/4 OF SEC 32, T16N, R17E, M4M
 PLACER COUNTY, CALIFORNIA
 SEPTEMBER 1985
 RAYMOND VAIL & ASSOCIATES
 SHEET 1 OF 2 SHEETS

NOTES:
 The portion of this plan is identical with the portion of the plan of the same name in the book of maps, at page 50, Placer County, California.
 All street corners have twenty foot radius curves at the property line, unless otherwise noted.
 Distances along the street frontages of corner lots are shown at the intersection of lot lines produced, unless otherwise noted.
 All measurements on curved lines are chord measurements.
 3/4" iron pipes set at all street connection control points.

- LEGEND:
- 1 1/4" from pipe monument tagged "LS 3259"
 - Set 3/4" dia. x 215" from pin stamped LS 3279
 - Set 1/2" dia. from pin stamped "LS 3259" and 262
 - Set back line
 - Public Utility Easement
 - Latitude of Rectified Area



U. S. F. S.



I hereby certify that there are no liens against these city lots and that the same are not subject to any other claim or encumbrance except taxes or special assessments collected as taxes. Special assessments are not levied on these lots but are payable to the county of Placer in the amount of \$1,000.00.
 Done at Tanoë, California
 Mayor *Don A. McKee*
 County Auditor of Placer County of Placer

